

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ADRIA ZERN,

Plaintiff,

Case No. 1:24-cv-7826

v.

NOTICE OF REMOVAL

CITIBANK, N.A.,

Defendant.

Pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, defendant Citibank, N.A. (“Citibank”), by and through the undersigned counsel, hereby removes this action to the United States District Court for the Eastern District of New York. In support, Citibank states as follows:

BACKGROUND

1. On July 1, 2024, plaintiff Adria Zern (“Plaintiff”) filed a Summons with Notice (“Summons”) against Citibank in the Supreme Court of the State of New York, County of Queens, Index No. 713745/2024 (“State Court Action”). *See* Summons with Notice, attached as Ex. A.

2. On October 14, 2024, Plaintiff filed an affirmation of service stating that Citibank was served a copy of the Summons on October 11, 2024. *See* Affirmation of Service, attached as Ex. B.

3. Citibank filed a demand for complaint on October 30, 2024. *See* Demand for Complaint, attached as Ex. C. The Summons, affirmation of service on Citibank, and demand for complaint constitute all process, pleadings and orders filed in the State Court Action.

4. Plaintiff’s deadline to serve a complaint is November 19, 2024. Citibank’s deadline to answer or otherwise respond to the Complaint will be twenty dates after the Complaint is served. *See* CPLR 3012(b). As Plaintiff has not yet filed his Complaint, Citibank has not yet served an answer or other response.

5. By filing this notice of removal, Citibank does not waive any claim, counterclaim, or defense that may be available to it, including, but not limited to lack of personal jurisdiction, improper venue, failure to state a claim upon which relief may be granted, and that the card agreement(s) governing the parties' relationship requires that this suit be filed in arbitration.

BASIS FOR REMOVAL

Federal Question Jurisdiction

6. Removal of this matter is proper under 28 U.S.C. § 1331, which provides that federal courts shall have "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States," because Plaintiff asserts in her Summons claims arising out of federal law, namely, the Fair Credit Reporting Act, 15 U.S.C. § 1681 ("FCRA").

Venue

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1441(a), because the United States District Court for the Eastern District of New York is the federal court embracing the Supreme Court of the State of New York, County of Queens, where Plaintiff originally filed the State Court Action.

Procedure

8. This Notice of Removal is timely. Citibank acknowledged service as of October 11, 2024, and therefore, Citibank has until November 11, 2024, to remove the case to this Court. *See* 28 U.S.C. § 1446(b)(1).

9. Citibank is the only defendant in this action and therefore the only defendant who has "been properly joined and served." *See* 28 U.S.C. § 1446(b)(2)(A).

10. As required by 28 U.S.C. § 1446(d), Citibank is serving a copy of this Notice of Removal on Plaintiff and filing a copy of this Notice of Removal with the Clerk of the Court for

the Supreme Court of the State of New York, County of Queens. *See* Notice of Filing (exhibits omitted), attached as Ex. D.

CONCLUSION

WHEREFORE, Citibank hereby removes the above-captioned action now pending in the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York and requests that this Court assume full jurisdiction over this action as provided by law.

Dated: November 10, 2024

Respectfully submitted,

By: /s/Lauren N. Brown
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*Attorneys for Defendant
Citibank, N.A.*

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Notice of Removal to be served by electronic filing by NYSCEF and by email upon the Plaintiff in the State Court Action as follows:

Adam G. Singer
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Attorneys for Plaintiff

Dated: November 10, 2024

Lauren N. Brown

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